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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

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RIN 0648-BF78

List of Fisheries for 2017

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: The National Marine Fisheries Service (NMFS) publishes its proposed List of Fisheries (LOF) for 2017, as required by the Marine Mammal Protection Act (MMPA). The proposed LOF for 2017 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

DATES: Comments must be received by *[insert date 30 days after date of publication in the FEDERAL REGISTER]*.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2016-0045, by either of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal
 1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0045*,
 2. Click the “**Comment Now!**” icon, complete the required fields
 3. Enter or attach your comments.
- Mail: Submit written comments to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Lisa White, Office of Protected Resources, 301-427-8494; Allison Rosner, Greater Atlantic Region, 978-281-9328; Jessica Powell, Southeast Region, 727-824-5312; Elizabeth Petras, West Coast Region, 206-526-6155; Aleria Jensen, Alaska Region, 907-586-7236; Dawn Golden, Pacific Islands Region, 808-725-5000.

Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

What is the List of Fisheries?

Section 118 of the MMPA requires NMFS to place all U.S. commercial fisheries into one of three categories based on the level of incidental mortality and serious injury of marine mammals occurring in each fishery (16 U.S.C. 1387(c)(1)). The classification of a fishery on the LOF determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Marine Mammal Stock Assessment Reports (SARs) and other relevant sources, and publish in the **Federal Register** any necessary changes to the LOF after notice and opportunity for public comment (16 U.S.C. 1387 (c)(1)(C)).

How Does NMFS Determine in Which Category a Fishery is Placed?

The definitions for the fishery classification criteria can be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2). The criteria are also summarized here.

Fishery Classification Criteria

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the potential biological removal (PBR) level for each marine mammal stock. The MMPA (16 U.S.C. 1362 (20)) defines the PBR level as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. This definition can also be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2).

Tier 1: Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock. If the total annual mortality and serious injury of a marine mammal stock, across all fisheries, is less than or equal to 10 percent of the PBR level of the stock, all fisheries interacting with the stock will be placed in Category III (unless those fisheries interact with other stock(s) in which total annual mortality and serious injury is greater than 10 percent of PBR). Otherwise, these fisheries are subject to the next tier (Tier 2) of analysis to determine their classification.

Tier 2: Tier 2 considers fishery-specific mortality and serious injury for a particular stock.

Category I: Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level (*i.e.*, frequent incidental mortality and serious injury of marine mammals).

Category II: Annual mortality and serious injury of a stock in a given fishery is greater than 1 percent and less than 50 percent of the PBR level (*i.e.*, occasional incidental mortality and serious injury of marine mammals).

Category III: Annual mortality and serious injury of a stock in a given fishery is less than or equal to 1 percent of the PBR level (*i.e.*, a remote likelihood of or no known incidental mortality and serious injury of marine mammals).

Additional details regarding how the categories were determined are provided in the preamble to the final rule implementing section 118 of the MMPA (60 FR 45086, August 30, 1995).

Because fisheries are classified on a per-stock basis, a fishery may qualify as one Category for one marine mammal stock and another Category for a different marine mammal stock. A fishery is typically classified on the LOF at its highest level of classification (*e.g.*, a fishery qualifying for Category III for one marine mammal stock and for Category II for another marine mammal stock will be listed under Category II). Stocks driving a fishery's classification are denoted with a superscript "1" in Tables 1 and 2.

Other Criteria That May Be Considered

The tier analysis requires a minimum amount of data, and NMFS does not have sufficient data to perform a tier analysis on certain fisheries. Therefore, NMFS has classified certain fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, or according to factors discussed in the final LOF for 1996 (60 FR 67063, December 28, 1995) and listed in the regulatory definition of a Category II fishery: “In the absence of reliable information indicating the frequency of incidental mortality and serious injury of marine mammals by a commercial fishery, NMFS will determine whether the incidental mortality or serious injury is ‘frequent,’ ‘occasional,’ or ‘remote’ by evaluating other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, and the species and distribution of marine mammals in the area, or at the discretion of the Assistant Administrator for Fisheries” (50 CFR 229.2).

Further, eligible commercial fisheries not specifically identified on the LOF are deemed to be Category II fisheries until the next LOF is published (50 CFR 229.2).

How Does NMFS Determine Which Species or Stocks are Included as Incidentally Killed or Injured in a Fishery?

The LOF includes a list of marine mammal species and/or stocks incidentally killed or injured in each commercial fishery. The list of species and/or stocks incidentally killed or

injured includes “serious” and “non-serious” documented injuries as described later in the List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean and the Atlantic Ocean, Gulf of Mexico, and Caribbean sections. To determine which species or stocks are included as incidentally killed or injured in a fishery, NMFS annually reviews the information presented in the current SARs and injury determination reports. The SARs are based upon the best available scientific information and provide the most current and inclusive information on each stock’s PBR level and level of interaction with commercial fishing operations. The best available scientific information used in the SARs reviewed for the 2017 LOF generally summarizes data from 2009-2013. NMFS also reviews other sources of new information, including injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fisher self-reports (*i.e.*, MMPA reports), and anecdotal reports from that time period. In some cases, more recent information may be available and used in the LOF, but in an effort to be consistent with the most recent SARs and across the LOF, NMFS typically restricts the analysis to data within the five-year time period summarized in the current SAR.

For fisheries with observer coverage, species or stocks are generally removed from the list of marine mammal species and/or stocks incidentally killed or injured if no interactions are documented in the five-year timeframe summarized in that year’s LOF. For fisheries with no observer coverage and for observed fisheries with evidence indicating that undocumented

interactions may be occurring (*e.g.*, fishery has low observer coverage and stranding network data include evidence of fisheries interaction that cannot be attributed to a specific fishery) species and stocks may be retained for longer than five years. For these fisheries, NMFS will review the other sources of information listed above and use its discretion to decide when it is appropriate to remove a species or stock.

Where Does NMFS Obtain Information on the Level of Observer Coverage in a Fishery on the LOF?

The best available information on the level of observer coverage and the spatial and temporal distribution of observed marine mammal interactions is presented in the SARs. Data obtained from the observer program and observer coverage levels are important tools in estimating the level of marine mammal mortality and serious injury in commercial fishing operations. Starting with the 2005 SARs, each SAR includes an appendix with detailed descriptions of each Category I and II fishery on the LOF, including the observer coverage in those fisheries. The SARs generally do not provide detailed information on observer coverage in Category III fisheries because, under the MMPA, Category III fisheries are generally not required to accommodate observers aboard vessels due to the remote likelihood of mortality and serious injury of marine mammals. Fishery information presented in the SARs' appendices and other resources referenced during the tier analysis may include: level of observer coverage; target species; levels of fishing effort; spatial and temporal distribution of fishing effort;

characteristics of fishing gear and operations; management and regulations; and interactions with marine mammals. Copies of the SARs are available on the NMFS Office of Protected Resources Web site at: <http://www.nmfs.noaa.gov/pr/sars/>. Information on observer coverage levels in Category I, II, and III fisheries can be found in the fishery fact sheets on the NMFS Office of Protected Resources' Web site: <http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html>. Additional information on observer programs in commercial fisheries can be found on the NMFS National Observer Program's Web site: <http://www.st.nmfs.gov/observer-home/>.

How Do I Find Out if a Specific Fishery is in Category I, II, or III?

This rule includes three tables that list all U.S. commercial fisheries by LOF Category. Table 1 lists all of the commercial fisheries in the Pacific Ocean (including Alaska); Table 2 lists all of the commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean; and Table 3 lists all U.S.-authorized commercial fisheries on the high seas. A fourth table, Table 4, lists all commercial fisheries managed under applicable TRPs or take reduction teams (TRTs).

Are High Seas Fisheries Included on the LOF?

Beginning with the 2009 LOF, NMFS includes high seas fisheries in Table 3 of the LOF, along with the number of valid High Seas Fishing Compliance Act (HSFCA) permits in each fishery. As of 2004, NMFS issues HSFCA permits only for high seas fisheries analyzed in accordance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The authorized high seas fisheries are broad in scope and encompass multiple

specific fisheries identified by gear type. For the purposes of the LOF, the high seas fisheries are subdivided based on gear type (*e.g.*, trawl, longline, purse seine, gillnet, troll, etc.) to provide more detail on composition of effort within these fisheries. Many fisheries operate in both U.S. waters and on the high seas, creating some overlap between the fisheries listed in Tables 1 and 2 and those in Table 3. In these cases, the high seas component of the fishery is not considered a separate fishery, but an extension of a fishery operating within U.S. waters (listed in Table 1 or 2). NMFS designates those fisheries in Tables 1, 2, and 3 by a “*” after the fishery’s name. The number of HSFCA permits listed in Table 3 for the high seas components of these fisheries operating in U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels/participants holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

HSFCA permits are valid for five years, during which time Fishery Management Plans (FMPs) can change. Therefore, some vessels/participants may possess valid HSFCA permits without the ability to fish under the permit because it was issued for a gear type that is no longer authorized under the most current FMP. For this reason, the number of HSFCA permits displayed in Table 3 is likely higher than the actual U.S. fishing effort on the high seas. For more information on how NMFS classifies high seas fisheries on the LOF, see the preamble text in the

final 2009 LOF (73 FR 73032; December 1, 2008). Additional information about HSFCA permits can be found at: <http://www.nmfs.noaa.gov/ia/permits/highseas.html>.

Where Can I Find Specific Information on Fisheries Listed on the LOF?

Starting with the 2010 LOF, NMFS developed summary documents, or fishery fact sheets, for each Category I and II fishery on the LOF. These fishery fact sheets provide the full history of each Category I and II fishery, including: when the fishery was added to the LOF; the basis for the fishery's initial classification; classification changes to the fishery; changes to the list of species and/or stocks incidentally killed or injured in the fishery; fishery gear and methods used; observer coverage levels; fishery management and regulation; and applicable TRPs or TRTs, if any. These fishery fact sheets are updated after each final LOF and can be found under "How Do I Find Out if a Specific Fishery is in Category I, II, or III?" on the NMFS Office of Protected Resources' Web site: <http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html>, linked to the "List of Fisheries by Year" table. NMFS is developing similar fishery fact sheets for each Category III fishery on the LOF. However, due to the large number of Category III fisheries on the LOF and the lack of accessible and detailed information on many of these fisheries, the development of these fishery fact sheets is taking significant time to complete. NMFS began posting Category III fishery fact sheets online with the LOF for 2016.

Am I Required to Register Under the MMPA?

Owners of vessels or gear engaging in a Category I or II fishery are required under the MMPA (16 U.S.C. 1387(c)(2)), as described in 50 CFR 229.4, to register with NMFS and obtain a marine mammal authorization to lawfully take non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Owners of vessels or gear engaged in a Category III fishery are not required to register with NMFS or obtain a marine mammal authorization.

How Do I Register and Receive My Marine Mammal Authorization Program (MMAP) Authorization Certificate?

NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program (MMAP), with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Participants in these fisheries are automatically registered under the MMAP and are not required to submit registration or renewal materials. In the Pacific Islands, West Coast, and Alaska regions, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail or with their state or Federal license or permit at the time of issuance or renewal. In the Greater Atlantic Region, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail automatically at the beginning of each calendar year. Certificates may also be obtained by visiting the Greater Atlantic Regional Office website

(<http://www.greateratlantic.fisheries.noaa.gov/Protected/mmp/mmap/>). In the Southeast Region,

NMFS will issue vessel or gear owners notification of registry and vessel or gear owners may receive their authorization certificate by contacting the Southeast Regional Office at 727-209-5952 or by visiting the Southeast Regional Office website (http://sero.nmfs.noaa.gov/protected_resources/marine_mammal_authorization_program/) and following the instructions for printing the certificate.

The authorization certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or for non-vessel fisheries, in the possession of the person in charge of the fishing operation (50 CFR 229.4(e)). Although efforts are made to limit the issuance of authorization certificates to only those vessel or gear owners that participate in Category I or II fisheries, not all state and Federal license or permit systems distinguish between fisheries as classified by the LOF. Therefore, some vessel or gear owners in Category III fisheries may receive authorization certificates even though they are not required for Category III fisheries. Individuals fishing in Category I and II fisheries for which no state or Federal license or permit is required must register with NMFS by contacting their appropriate Regional Office (see **ADDRESSES**).

How Do I Renew My Registration Under the MMAP?

In Alaska regional and Greater Atlantic regional fisheries, registrations of vessel or gear owners are automatically renewed and participants should receive an authorization certificate by January 1 of each new year. In Pacific Islands regional fisheries, vessel or gear owners receive an

authorization certificate by January 1 for state fisheries and with their permit renewal for federal fisheries. In West Coast regional fisheries, vessel or gear owners receive authorization with each renewed state fishing license, the timing of which varies based on target species. Vessel or gear owners who participate in fisheries in these regions and have not received authorization certificates by January 1 or with renewed fishing licenses must contact the appropriate NMFS Regional Office (see **FOR FURTHER INFORMATION**).

In Southeast regional fisheries, vessel or gear owners' registrations are automatically renewed and participants will receive a letter in the mail by January 1 instructing them to contact the Southeast Regional Office to have an authorization certificate mailed to them or to visit the Southeast Regional Office Web site

(http://sero.nmfs.noaa.gov/protected_resources/marine_mammal_authorization_program/) to print their own certificate.

Am I Required to Submit Reports When I Kill or Injure a Marine Mammal During the Course of Commercial Fishing Operations?

In accordance with the MMPA (16 U.S.C. 1387(e)) and 50 CFR 229.6, any vessel owner or operator, or gear owner or operator (in the case of non-vessel fisheries), participating in a fishery listed on the LOF must report to NMFS all incidental mortalities and injuries of marine mammals that occur during commercial fishing operations, regardless of the category in which the fishery is placed (I, II, or III) within 48 hours of the end of the fishing trip or, in the case of

non-vessel fisheries, fishing activity. “Injury” is defined in 50 CFR 229.2 as a wound or other physical harm. In addition, any animal that ingests fishing gear or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body is considered injured, regardless of the presence of any wound or other evidence of injury, and must be reported.

Mortality/injury reporting forms and instructions for submitting forms to NMFS can be found at: <http://www.nmfs.noaa.gov/pr/interactions/mmap/#form> or by contacting the appropriate Regional office (see **FOR FURTHER INFORMATION**). Forms may be submitted via any of the following means: (1) online using the electronic form; (2) emailed as an attachment to nmfs.mireport@noaa.gov; (3) faxed to the NMFS Office of Protected Resources at 301-713-0376; or (4) mailed to the NMFS Office of Protected Resources (mailing address is provided on the postage-paid form that can be printed from the web address listed above). Reporting requirements and procedures can be found in 50 CFR 229.6.

Am I Required to Take an Observer Aboard My Vessel?

Individuals participating in a Category I or II fishery are required to accommodate an observer aboard their vessel(s) upon request from NMFS. MMPA section 118 states that the Secretary is not required to place an observer on a vessel if the facilities for quartering an observer or performing observer functions are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; thereby authorizing the exemption of vessels too small to accommodate an observer from this requirement. However,

U.S. Atlantic Ocean, Caribbean, or Gulf of Mexico large pelagics longline vessels operating in special areas designated by the Pelagic Longline Take Reduction Plan implementing regulations (50 CFR 229.36(d)) will not be exempted from observer requirements, regardless of their size. Observer requirements can be found in 50 CFR 229.7.

Am I Required to Comply With Any Marine Mammal TRP Regulations?

Table 4 in this rule provides a list of fisheries affected by TRPs and TRTs. TRP regulations can be found at 50 CFR 229.30 through 229.37. A description of each TRT and copies of each TRP can be found at: <http://www.nmfs.noaa.gov/pr/interactions/trt/teams.html>. It is the responsibility of fishery participants to comply with applicable take reduction regulations.

Where Can I Find More Information About the LOF and the MMAP?

Information regarding the LOF and the MMAP, including: registration procedures and forms; current and past LOFs; descriptions of each Category I and II fishery; and some Category III fisheries; observer requirements; and marine mammal mortality/injury reporting forms and submittal procedures; may be obtained at:

<http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html>, or from any NMFS Regional Office at the addresses listed below:

NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930-2298, Attn: Allison Rosner;

NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, Attn: Jessica Powell;

NMFS, West Coast Region, Seattle Office, 7600 Sand Point Way NE, Seattle, WA 98115, Attn: Elizabeth Petras, Protected Resources Division;

NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99802, Attn: Aleria Jensen; or

NMFS, Pacific Islands Regional Office, Protected Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, Attn: Dawn Golden.

Sources of Information Reviewed for the 2017 LOF

NMFS reviewed the marine mammal incidental mortality and serious injury information presented in the SARs for all fisheries to determine whether changes in fishery classification are warranted. The SARs are based on the best scientific information available at the time of preparation, including the level of mortality and serious injury of marine mammals that occurs incidental to commercial fishery operations and the PBR levels of marine mammal stocks. The information contained in the SARs is reviewed by regional Scientific Review Groups (SRGs) representing Alaska, the Pacific (including Hawaii), and the U.S. Atlantic, Gulf of Mexico, and Caribbean. The SRGs were created by the MMPA to review the science that informs the SARs, and to advise NMFS on marine mammal population status, trends, and stock structure, uncertainties in the science, research needs, and other issues.

NMFS also reviewed other sources of new information, including marine mammal stranding data, observer program data, fisher self-reports through the MMAP, reports to the SRGs, conference papers, FMPs, and ESA documents.

The LOF for 2017 was based on, among other things, stranding data; fisher self-reports; and SARs, primarily the 2015 SARs, which are based on data from 2009-2013. The final SARs referenced in this LOF include: 2014 (80 FR 50599, August 20, 2015) and 2015 (81 FR 38676, June 14, 2016). The SARs are available at: <http://www.nmfs.noaa.gov/pr/sars/>.

Summary of Changes to the LOF for 2017

The following summarizes the proposed changes to the LOF for 2017, including the classification of fisheries, fisheries listed, the estimated number of vessels/persons in a particular fishery, and the species and/or stocks that are incidentally killed or injured in a particular fishery. NMFS proposes two re-classifications of fisheries provided in the LOF for 2017. Additionally, NMFS proposes adding one fishery to the LOF. NMFS proposes changes to the estimated number of vessels/persons and list of species and/or stocks killed or injured in certain fisheries. The classifications and definitions of U.S. commercial fisheries for 2017 are identical to those provided in the LOF for 2016 with the proposed changes discussed below. State and regional abbreviations used in the following paragraphs include: AK (Alaska), BSAI (Bering Sea and Aleutian Islands), CA (California), DE (Delaware), FL (Florida), GMX (Gulf of Mexico), HI (Hawaii), MA (Massachusetts), ME (Maine), NC (North Carolina), NY (New York), OR

(Oregon), RI (Rhode Island), SC (South Carolina), VA (Virginia), WA (Washington), and WNA (Western North Atlantic).

Commercial Fisheries in the Pacific Ocean

Classification of Fisheries

NMFS proposes to reclassify the AK miscellaneous finfish handline/hand troll and mechanical jig fishery from Category III to Category II. Category II classification is driven by take of the Western North Pacific stock of humpback whales (see proposed addition of this stock to list of stocks incidentally injured or killed below). Based on the most recent five years of available information, mortality and serious injury of the Western North Pacific stock of humpback whales by this fishery is 6.89% of the PBR of 2.9 (Allen and Angliss, 2016). Mortality and serious injury levels greater than 1% and less than 50% of PBR meet the Category II threshold. Therefore, NMFS proposes to reclassify the AK miscellaneous finfish handline/hand troll and mechanical jig fishery as a Category II fishery.

NMFS proposes to elevate the CA spiny lobster fishery from Category III to Category II. Category II classification for this fishery is driven by takes of the CA/OR/WA offshore stock of bottlenose dolphin. Based on the average annual fishery-related mortality and serious injury of the CA/OR/WA offshore stock of bottlenose dolphin by this fishery is 3.6% of the PBR of 5.5 (Carretta *et al.*, 2014). Therefore, NMFS proposes to reclassify the CA spiny lobster fishery as a Category II fishery. NMFS evaluated the 2008 bottlenose dolphin, CA/OR/WA offshore stock,

entanglement during the proposed 2010 LOF process. At that time, the entanglement was characterized as a non-serious injury in the NMFS stranding database, as the animal had been disentangled, and the incident was not included in the 2010 SAR (Carretta *et al.*, 2011).

Following NMFS' 2012 policy on distinguishing serious from non-serious injury, the bottlenose dolphin entanglement was determined to be a serious injury and was included in the 2013 SAR (NMFS, 2012).

Number of Vessels/Persons

NMFS proposes updates to the estimated number of vessels/persons in the Pacific Ocean (Table 1) as follows:

Category	Fishery	Number of vessels/persons (2016 LOF)	Number of vessels/persons (2017 LOF)
I	HI deep-set longline	135	139
II	HI shallow-set longline	15	20
II	American Samoa longline	22	20
III	American Samoa bottomfish handline	17	24

List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean

NMFS proposes to add the Hawaii stock of pygmy killer whale and to remove the Hawaii pelagic stock of pantropical spotted dolphin on the list of stocks incidentally killed or injured in

the Category I Hawaii deep-set longline fishery. A pygmy killer whale was observed dead in this fishery in 2013. No pantropical spotted dolphin mortalities or injuries have been documented in the most recent five years of data. Annual average estimated pygmy killer whale mortality and serious injury from the Hawaii deep-set longline fishery during 2009 to 2013 was 1.1. During the same time frame mortality and serious injury was 0 for pantropical spotted dolphin (McCracken, 2015). Observer coverage for this fishery from 2009 to 2013 was 20.6, 21.1, 20.3, 20.4, and 20.4 percent, respectively.

NMFS proposes to add the Hawaii stock of rough-toothed dolphin and to remove the Hawaii stock of *Kogia spp.* on the list of stocks killed or injured in the Category II Hawaii shallow-set longline fishery. A rough-toothed dolphin was observed dead in this fishery in 2013. Annual average estimated rough-toothed dolphin mortality and serious injury from the Hawaii shallow-set longline fishery during 2009 to 2013 was 0.2. For the same time frame mortality and serious injury was 0 for *Kogia spp.* (McCracken, 2015). Observer coverage for this fishery from 2009 to 2013 was 100 percent each year.

NMFS proposes to add the Western North Pacific and Central North Pacific stocks of humpback whale and the Northeast Pacific stock of fin whale to the list of stocks killed or injured in the AK miscellaneous finfish handline/hand troll and mechanical jig fishery. The stranding network documented a humpback whale mortality in 2013 that was assigned to both stocks based on spatial overlap. We also propose to add a “1” to the Western North Pacific stock

to indicate it is driving the classification of this fishery. In 2012, the stranding network documented a fin whale mortality. There is no observer coverage in this fishery.

NMFS proposes to add the CA/OR/WA stock of short-finned pilot whale to the list of stocks incidentally killed or injured in the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh) fishery. Two short-finned pilot whales were observed dead in this fishery in 2014 (Carretta *et al.*, 2016). Observer coverage for this fishery from 2010 to 2014 was 11.9, 19.5, 18.6, 37.4, and 23.7 percent, respectively.

Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Addition of Fisheries

NMFS propose to add the Northeast and Mid-Atlantic fyke net fishery to the list of Category III fisheries. Fyke nets are defined as a series of wood or metal hoops covered with netting. These nets are 2.5-5.0 m (8.2-16.4 ft) long. There are usually two wings of netting at the entrance that are attached to upright stakes and give the overall net a “Y-shape.” There are one or more funnels inside the net that direct fish to the rear of the net (the “car”) where they become trapped. Occasionally, a long leader is used to direct fish to the entrance. Fish are removed by lifting the car out of the water and loosening a rope securing the rear of the car (Stevenson *et al.*, 2004).

These nets are generally fished in shallow water, targeting estuarine and coastal species including but not limited to glass eels (elvers), winter flounder, menhaden, croaker, bluefish,

river herring, Atlantic croaker, and weakfish (Fullencamp, 2006). These nets are utilized from Maine through Virginia. They are typically set in contact with the bottom, in areas with strong currents (FAO, 2001). Fyke nets are managed by state regulations, and fishing activity is not managed under a federal FMP. There have been no documented interactions between fyke nets and marine mammals; and, given the primarily estuarine nature of these fisheries, we expect a remote likelihood of or no mortalities or serious injuries to occur.

Number of Vessels/Persons

NMFS proposes updates to the estimated number of vessels/persons in the Atlantic Ocean, Gulf of Mexico, and Caribbean (Table 2) as follows:

Category	Fishery	Number of vessels/persons (2016 LOF)	Number of vessels/persons (2017 LOF)
I	Mid-Atlantic Gillnet	4063	3950
II	Atlantic Mixed Species Trap/Pot	3284	3436
II	Chesapeake Bay Inshore Gillnet	272	248
II	Mid-Atlantic Bottom Trawl	994	785
II	Northeast Drift Gillnet	1567	1036
II	VA Pound Net	47	26
II	Northeast Bottom Trawl	3132	2238
II	Mid-Atlantic Haul Beach Seine	243	359

II	Mid-Atlantic Midwater Trawl	507	382
II	Northeast Anchored Gillnet	995	852
II	Gulf of Mexico Gillnet	724	248
II	NC Inshore Gillnet	1323	2850
II	Southeast Atlantic Gillnet	357	273
II	Southeastern U.S. Atlantic, Gulf of Mexico Stone Crab Trap/Pot	1282	1384
II	Atlantic Blue Crab Trap/Pot	8557	7714
II	NC Long Haul Seine	372	30
II	NC Roe Mullet Stop Net	13	1

List of Species and/or Stocks Incidentally Killed or Injured in the Atlantic Ocean, Gulf of Mexico, and Caribbean

NMFS proposes to remove the Western North Atlantic stock of harbor seal from the list of species incidentally killed or injured in the Category I Northeast/Mid-Atlantic American lobster trap/pot fishery. Harbor seals were originally listed as a species killed or injured by this fishery in the 1996 LOF (60 FR 31666; June 16, 1995); however, there have been no documented takes in this fishery within the last five years. Takes of seals in the lobster fishery have not been listed as a source of annual human-caused mortality since the 2005 stock assessment report (Waring *et al.*, 2005). In the 2005 stock assessment reports and prior stock

assessment reports going back to 1995, takes were estimated to occur twice a year in mid-coastal Maine fisheries (Gilbert and Wynne, 1985).

NMFS proposes to remove Risso's dolphin, Western North Atlantic stock, and add the Western North Atlantic stocks of harbor seal and gray seal to the list of species incidentally killed or injured in the Category II Mid-Atlantic Midwater trawl fishery. The last Risso's dolphin take in this fishery was documented in 2008, and no interactions have been documented since (Waring *et al.*, 2015). Risso's dolphins were originally added as a species incidentally killed or injured in the Mid-Atlantic midwater trawl fishery in the 1996 LOF (60 FR 31666; June 16, 1995), which later became the Atlantic squid, mackerel, butterfish trawl fishery (62 FR 28657; May 27, 1997) until the 2005 LOF when the name was again changed to Mid-Atlantic midwater trawl fishery (69 FR 70094; December 2, 2004).

One harbor seal and one gray seal were both observed killed in this fishery in 2010. An expanded bycatch estimate has not been generated for either species. Until the bycatch estimates can be developed, the average annual fishery-related mortality and serious injury for 2009-2013 for both species is calculated at 0.2 animals (1 animal/5 years). Observer coverage for this fishery from 2009-2013 was 25, 41, 21, 7, and 5 percent, respectively.

NMFS proposes to add the Canadian East coast stock of minke whale to the list of species incidentally killed or injured in the Category II Northeast midwater trawl fishery. During July 2013, one minke whale was observed dead in a midwater otter trawl on Georges Bank. Due

to the small sample size of observed takes, an expanded estimate has not been calculated. Annual average estimated minke whale mortality and serious injury from the Northeast midwater trawl fishery (including pair trawl) during 2009 to 2013 was 0.2. Observer coverage from 2009-2013 was 53, 41, 45, 37, and 42 percent, respectively.

NMFS proposes to remove the Canadian East coast stock of minke whale from the list of species incidentally killed or injured in the Category II Northeast bottom trawl fishery. Minke whales were added as a species incidentally killed or injured in this fishery in the 2013 LOF (78 FR 23708; April 22, 2013) due to observed takes occurring in 2004 and 2008; however, there have been no observed takes of minke whales in this fishery since 2008 (Waring *et al.*, 2016). Observer coverage from 2009-2013 was 16, 26, 17, 15 and 17 percent, respectively.

NMFS proposes to remove the Western North Atlantic stock of short-finned pilot whale from the list of species incidentally killed or injured in the Category II Northeast sink gillnet fishery. Short-finned pilot whales were originally listed as a species killed or injured in this fishery in the 2013 LOF (78 FR 23708; April 22, 2013) due to an unknown pilot whale species take recorded in 2010 (Waring *et al.*, 2012). According to the 2015 Stock Assessment Report, pilot whale mortalities are generally observed north of 40°N latitude in this fishery and, therefore, should be attributed to the long-finned pilot whale stock (Waring *et al.*, 2016). Observer coverage for this fishery for 2009-2013 was 17, 19, 15, 11 and 18 percent, respectively.

NMFS proposes to remove the following stocks from the list of species incidentally killed or injured in the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery: Western North Atlantic stock of Atlantic spotted dolphin, Gulf of Mexico stock of Gervais beaked whale, Gulf of Mexico oceanic stock of killer whale, Western North Atlantic stock of Pantropical spotted dolphin, and Gulf of Mexico oceanic stock of sperm whale. There have been no observed mortalities or injuries to these species in the most recent five years of data (Waring *et al.*, 2016). Observer coverage in this fishery in the most recent five year period (2009-2013) has been 10, 8, 9, 7, and 9 percent, respectively.

NMFS proposes to add unknown stock (likely Northern migratory coastal or Southern migratory coastal) of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category II Chesapeake Bay inshore gillnet fishery based on a 2013 mortality in 9-inch (22.9 cm) stretched mesh gillnet gear (Waring *et al.*, 2016).

NMFS proposes to add the Mississippi Sound, Lake Borgne, Bay Boudreau stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category II Gulf of Mexico menhaden purse seine fishery based on a 2011 observed injury and two-self reported mortalities in 2012 (Waring *et al.*, 2016).

NMFS proposes to add the Florida Keys stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category III Florida spiny lobster trap/pot fishery based on the location and gear description in a 2013 stranding report (Waring *et al.*, 2016).

NMFS proposes to add the Barataria Bay stock and the Mississippi Sound, Lake Borgne, Bay Boudreau stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category III Gulf of Mexico blue crab trap/pot fishery based on documented mortalities in 2011 (Waring *et al.*, 2016). A Barataria Bay stock animal was also disentangled and released alive in 2012.

Commercial Fisheries on the High Seas

Number of Vessels/Persons

NMFS proposes updates to the estimated number of vessels/persons on the High Seas (Table 3) as follows:

Category	Fishery	Number of vessels/persons (2016 LOF)	Number of vessels/persons (2017 LOF)
I	Western Pacific pelagic longline (HI deep-set component)	135	139
II	Atlantic highly migratory species drift gillnet	1	0
II	South Pacific tuna purse seine	39	38
II	South Pacific albacore troll longline	15	10
II	South Pacific tuna longline	8	2
II	Western Pacific pelagic longline (HI shallow-set component)	15	20
II	Pacific highly migratory species handline/pole and line	50	46
II	South Pacific albacore troll handline/pole and line	9	7

II	Western Pacific pelagic handline/pole and line	5	2
II	South Pacific albacore troll troll	38	30
II	South Pacific tuna troll	5	4
II	Western Pacific pelagic troll	21	17
III	Pacific highly migratory species longline	126	114
III	Pacific highly migratory species purse seine	8	6
III	Pacific highly migratory species troll	243	187

List of Species and/or Stocks Incidentally Killed or Injured on the High Seas

NMFS proposes to add the Hawaii stock of pygmy killer whale and to remove the Hawaii pelagic stock of pantropical spotted dolphin on the list of stocks incidentally killed or injured in the Category I Western Pacific pelagic longline (HI deep-set component) fishery to be consistent with proposed changes to Table 1 because this fishery is a component of an existing fishery operating within U.S. waters.

NMFS proposes to add the Hawaii stock of rough-toothed dolphin and to remove the Hawaii stock of *Kogia spp.* on the list of stocks killed or injured in the Category II Western Pacific pelagic longline (HI shallow-set component) fishery to be consistent with proposed changes to Table 1 because this fishery is a component of an existing fishery operating within U.S. waters.

NMFS proposes to add the CA breeding stock of northern elephant seal to the list of stocks killed or injured in the Category II Western Pacific pelagic longline (HI shallow-set component) fishery based on a 2013 observed serious injury. Annual average estimated northern elephant seal mortality and serious injury from the fishery during 2009 to 2013 was 0.2 (McCracken, 2015).

List of Fisheries

The following tables set forth the list of U.S. commercial fisheries according to their classification under section 118 of the MMPA. Table 1 lists commercial fisheries in the Pacific Ocean (including Alaska), Table 2 lists commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean, Table 3 lists commercial fisheries on the high seas, and Table 4 lists fisheries affected by TRPs or TRTs.

In Tables 1 and 2, the estimated number of vessels or persons participating in fisheries operating within U.S. waters is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels or persons licensed for a particular fishery is provided. If no recent information is available on the number of participants, vessels, or persons licensed in a fishery, then the number from the most recent LOF is used for the estimated number of vessels or persons in the fishery. NMFS acknowledges that, in some cases, these estimates may be inflations of actual effort. For example, the State of Hawaii does not issue fishery-specific licenses, and the number of

participants reported in the LOF represents the number of commercial marine license holders who reported using a particular fishing gear type/method at least once in a given year, without considering how many times the gear was used. For these fisheries, effort by a single participant is counted the same whether the fisher used the gear only once or every day. In the Mid-Atlantic and New England fisheries, the numbers represent the potential effort for each fishery, given the multiple gear types for which several state permits may allow. Changes made to Mid-Atlantic and New England fishery participants will not affect observer coverage or bycatch estimates, as observer coverage and bycatch estimates are based on vessel trip reports and landings data. Tables 1 and 2 serve to provide a description of the fishery's potential effort (state and Federal). If NMFS is able to extract more accurate information on the gear types used by state permit holders in the future, the numbers will be updated to reflect this change. For additional information on fishing effort in fisheries found on Table 1 or 2, contact the relevant regional office (contact information included above in **SUPPLEMENTARY INFORMATION**).

For high seas fisheries, Table 3 lists the number of valid HSFCA permits currently held. Although this likely overestimates the number of active participants in many of these fisheries, the number of valid HSFCA permits is the most reliable data on the potential effort in high seas fisheries at this time. As noted previously in this rule, the number of HSFCA permits listed in Table 3 for the high seas components of fisheries that also operate within U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels

holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

Tables 1, 2, and 3 also list the marine mammal species and/or stocks incidentally killed or injured (seriously or non-seriously) in each fishery based on SARs, injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fisher self-reports (*i.e.*, MMPA reports), and anecdotal reports. The best available scientific information included in these reports is based on data through 2012. This list includes all species and/or stocks known to be killed or injured in a given fishery but also includes species and/or stocks for which there are anecdotal records of a mortality or injury. Additionally, species identified by logbook entries, stranding data, or fishermen self-reports (*i.e.*, MMPA reports) may not be verified. In Tables 1 and 2, NMFS has designated those species/stocks driving a fishery's classification (*i.e.*, the fishery is classified based on mortalities and serious injuries of a marine mammal stock that are greater than or equal to 50 percent [Category I], or greater than 1 percent and less than 50 percent [Category II], of a stock's PBR) by a "1" after the stock's name.

In Tables 1 and 2, there are several fisheries classified as Category II that have no recent documented mortalities or serious injuries of marine mammals, or fisheries that did not result in a mortality or serious injury rate greater than 1 percent of a stock's PBR level based on known interactions. NMFS has classified these fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of

marine mammals, as discussed in the final LOF for 1996 (60 FR 67063, December 28, 1995), and according to factors listed in the definition of a “Category II fishery” in 50 CFR 229.2 (*i.e.*, fishing techniques, gear types, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, and the species and distribution of marine mammals in the area). NMFS has designated those fisheries listed by analogy in Tables 1 and 2 by a “²” after the fishery’s name.

There are several fisheries in Tables 1, 2, and 3 in which a portion of the fishing vessels cross the exclusive economic zone (EEZ) boundary and therefore operate both within U.S. waters and on the high seas. These fisheries, though listed separately between Table 1 or 2 and Table 3, are considered the same fisheries on either side of the EEZ boundary. NMFS has designated those fisheries in each table by a “*” after the fishery’s name.

Table 1 - List of Fisheries -- Commercial Fisheries in the Pacific Ocean

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
<u>LONGLINE/SET LINE FISHERIES:</u>		
HI deep-set longline * ^	139	Bottlenose dolphin, HI Pelagic False killer whale, MHI Insular ¹ False killer whale, HI Pelagic ¹ False killer whale, NWHI Pygmy killer whale, HI Risso's dolphin, HI Short-finned pilot whale, HI Sperm whale, HI Striped dolphin, HI
<u>GILLNET FISHERIES:</u>		
CA thresher shark/swordfish drift gillnet (≥14 in mesh) *	18	Bottlenose dolphin, CA/OR/WA offshore California sea lion, U.S. Humpback whale, CA/OR/WA Long-beaked common dolphin, CA Minke whale, CA/OR/WA Northern elephant seal, CA breeding Northern right-whale dolphin, CA/OR/WA Pacific white-sided dolphin, CA/OR/WA Risso's dolphin, CA/OR/WA Short-beaked common dolphin, CA/OR/WA Short-finned pilot whale, CA/OR/WA Sperm Whale, CA/OR/WA ¹
CATEGORY II		
<u>GILLNET FISHERIES:</u>		
CA halibut/white seabass and other species set gillnet (>3.5 in mesh)	50	California sea lion, U.S. Harbor seal, CA Humpback whale, CA/OR/WA ¹ Long-beaked common dolphin, CA Northern elephant seal, CA breeding Sea otter, CA Short-beaked common dolphin, CA/OR/WA
CA yellowtail, barracuda, and white seabass drift gillnet (mesh size ≥3.5 in and <14 in) ²	30	California sea lion, U.S. Long-beaked common dolphin, CA Short-beaked common dolphin, CA/OR/WA

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Bristol Bay salmon drift gillnet ²	1,862	Beluga whale, Bristol Bay Gray whale, Eastern North Pacific Harbor seal, Bering Sea Northern fur seal, Eastern Pacific Pacific white-sided dolphin, North Pacific Spotted seal, AK Steller sea lion, Western U.S.
AK Bristol Bay salmon set gillnet ²	979	Beluga whale, Bristol Bay Gray whale, Eastern North Pacific Harbor seal, Bering Sea Northern fur seal, Eastern Pacific Spotted seal, AK
AK Kodiak salmon set gillnet	188	Harbor porpoise, GOA ¹ Harbor seal, GOA Sea otter, Southwest AK Steller sea lion, Western U.S.
AK Cook Inlet salmon set gillnet	736	Beluga whale, Cook Inlet Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Humpback whale, Central North Pacific ¹ Sea otter, South central AK Steller sea lion, Western U.S.
AK Cook Inlet salmon drift gillnet	569	Beluga whale, Cook Inlet Dall's porpoise, AK Harbor porpoise, GOA ¹ Harbor seal, GOA Steller sea lion, Western U.S.
AK Peninsula/Aleutian Islands salmon drift gillnet ²	162	Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Northern fur seal, Eastern Pacific
AK Peninsula/Aleutian Islands salmon set gillnet ²	113	Harbor porpoise, Bering Sea Northern sea otter, Southwest AK Steller sea lion, Western U.S.

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Prince William Sound salmon drift gillnet	537	Dall's porpoise, AK Harbor porpoise, GOA ¹ Harbor seal, GOA Northern fur seal, Eastern Pacific Pacific white-sided dolphin, North Pacific Sea otter, South central AK Steller sea lion, Western U.S. ¹
AK Southeast salmon drift gillnet	474	Dall's porpoise, AK Harbor porpoise, Southeast AK Harbor seal, Southeast AK Humpback whale, Central North Pacific ¹ Pacific white-sided dolphin, North Pacific Steller sea lion, Eastern U.S.
AK Yakutat salmon set gillnet ²	168	Gray whale, Eastern North Pacific Harbor Porpoise, Southeastern AK Harbor seal, Southeast AK Humpback whale, Central North Pacific (Southeast AK)
WA Puget Sound Region salmon drift gillnet (includes all inland waters south of US-Canada border and eastward of the Bonilla-Tatoosh line-Treaty Indian fishing is excluded)	210	Dall's porpoise, CA/OR/WA Harbor porpoise, inland WA ¹ Harbor seal, WA inland
<u>TRAWL FISHERIES:</u>		
AK Bering Sea, Aleutian Islands flatfish trawl	32	Bearded seal, AK Gray whale, Eastern North Pacific Harbor porpoise, Bering Sea Harbor seal, Bering Sea Humpback whale, Western North Pacific ¹ Killer whale, AK resident ¹ Killer whale, GOA, AI, BS transient ¹ Northern fur seal, Eastern Pacific Ringed seal, AK Ribbon seal, AK Spotted seal, AK Steller sea lion, Western U.S. ¹ Walrus, AK

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Bering Sea, Aleutian Islands pollock trawl	102	Bearded Seal, AK Dall's porpoise, AK Harbor seal, AK Humpback whale, Central North Pacific Humpback whale, Western North Pacific Northern fur seal, Eastern Pacific Ribbon seal, AK Ringed seal, AK Spotted seal, AK Steller sea lion, Western U.S. ¹
AK Bering Sea, Aleutian Islands rockfish trawl	17	Killer whale, ENP AK resident ¹ Killer whale, GOA, AI, BS transient ¹
<u>POT, RING NET, AND TRAP FISHERIES:</u>		
CA spot prawn pot	25	Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA ¹
CA Dungeness crab pot	570	Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA ¹
OR Dungeness crab pot	433	Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA ¹
WA/OR/CA sablefish pot	309	Humpback whale, CA/OR/WA ¹
WA coastal Dungeness crab pot	228	Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA ¹
<u>LONGLINE/SET LINE FISHERIES:</u>		
AK Bering Sea, Aleutian Islands Pacific cod longline	45	Dall's Porpoise, AK Killer whale, GOA, BSAI transient ¹ Northern fur seal, Eastern Pacific Ringed seal, AK
HI shallow-set longline * ^	20	Blainville's beaked whale, HI Bottlenose dolphin, HI Pelagic False killer whale, HI Pelagic ¹ Humpback whale, Central North Pacific Risso's dolphin, HI Rough-toothed dolphin, HI Short-finned pilot whale, HI Striped dolphin, HI

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
American Samoa longline ²	22	Bottlenose dolphin, unknown Cuvier's beaked whale, unknown False killer whale, American Samoa Rough-toothed dolphin, American Samoa Short-finned pilot whale, unknown
HI shortline ²	9	None documented
<u>HOOK-AND-LINE, HANDLINE, AND JIG FISHERIES:</u>		
AK miscellaneous finfish handline/hand troll and mechanical jig	456	Fin whale, Northeast Pacific Humpback whale, Central North Pacific Humpback whale, Western North Pacific ¹
CATEGORY III		
<u>GILLNET FISHERIES:</u>		
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet	1,778	Harbor porpoise, Bering Sea
AK miscellaneous finfish set gillnet	54	Steller sea lion, Western U.S.
AK Prince William Sound salmon set gillnet	29	Harbor seal, GOA Sea otter, South central AK Steller sea lion, Western U.S.
AK roe herring and food/bait herring gillnet	920	None documented
CA set gillnet (mesh size <3.5 in)	296	None documented
HI inshore gillnet	36	Bottlenose dolphin, HI Spinner dolphin, HI
WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing)	24	Harbor seal, OR/WA coast
WA/OR Mainstem Columbia River eulachon gillnet	15	None documented
WA/OR lower Columbia River (includes tributaries) drift gillnet	110	California sea lion, U.S. Harbor seal, OR/WA coast
WA Willapa Bay drift gillnet	82	Harbor seal, OR/WA coast Northern elephant seal, CA breeding

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
<u>MISCELLANEOUS NET FISHERIES:</u>		
AK Cook Inlet salmon purse seine	83	Humpback whale, Central North Pacific
AK Kodiak salmon purse seine	376	Humpback whale, Central North Pacific
AK Southeast salmon purse seine	315	None documented in the most recent five years of data
AK Metlakatla salmon purse seine	10	None documented
AK miscellaneous finfish beach seine	2	None documented
AK miscellaneous finfish purse seine	2	None documented
AK octopus/squid purse seine	0	None documented
AK roe herring and food/bait herring beach seine	10	None documented
AK roe herring and food/bait herring purse seine	356	None documented
AK salmon beach seine	31	None documented
AK salmon purse seine (excluding salmon purse seine fisheries listed elsewhere)	936	Harbor seal, GOA Harbor seal, Prince William Sound
WA/OR sardine purse seine	42	None documented
CA anchovy, mackerel, sardine purse seine	65	California sea lion, U.S. Harbor seal, CA
CA squid purse seine	80	Long-beaked common dolphin, CA Short-beaked common dolphin, CA/OR/WA
CA tuna purse seine *	10	None documented
WA/OR Lower Columbia River salmon seine	10	None documented
WA/OR herring, smelt, squid purse seine or lampara	130	None documented
WA salmon purse seine	75	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
WA salmon reef net	11	None documented
HI lift net	17	None documented
HI inshore purse seine	<3	None documented
HI throw net, cast net	23	None documented
HI seine net	24	None documented
<u>DIP NET FISHERIES:</u>		
CA squid dip net	115	None documented
<u>MARINE AQUACULTURE FISHERIES:</u>		
CA marine shellfish aquaculture	unknown	None documented
CA salmon enhancement rearing pen	>1	None documented
CA white seabass enhancement net pens	13	California sea lion, U.S.
HI offshore pen culture	2	None documented
WA salmon net pens	14	California sea lion, U.S. Harbor seal, WA inland waters
WA/OR shellfish aquaculture	23	None documented
<u>TROLL FISHERIES:</u>		
WA/OR/CA albacore surface hook and line/troll	705	None documented
CA halibut hook and line/handline	unknown	None documented
CA white seabass hook and line/handline	unknown	None documented
AK salmon troll	1,908	Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
American Samoa tuna troll	13	None documented
CA/OR/WA salmon troll	4,300	None documented
HI troll	2,117	Pantropical spotted dolphin, HI

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
HI rod and reel	322	None documented
Commonwealth of the Northern Mariana Islands tuna troll	40	None documented
Guam tuna troll	432	None documented
<u>LONGLINE/SET LINE FISHERIES:</u>		
AK Bering Sea, Aleutian Islands rockfish longline	3	None documented
AK Bering Sea, Aleutian Islands Greenland turbot longline	4	Killer whale, AK resident
AK Bering Sea, Aleutian Islands sablefish longline	22	None documented
AK Gulf of Alaska halibut longline	855	None documented
AK Gulf of Alaska Pacific cod longline	92	Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish longline	25	None documented
AK Gulf of Alaska sablefish longline	295	Sperm whale, North Pacific
AK halibut longline/set line (state and Federal waters)	2,197	None documented in the most recent five years of data
AK octopus/squid longline	3	None documented
AK state-managed waters longline/setline (including sablefish, rockfish, lingcod, and miscellaneous finfish)	464	None documented
WA/OR/CA groundfish, bottomfish longline/set line	367	Bottlenose dolphin, CA/OR/WA offshore
WA/OR Pacific halibut longline	350	None documented
CA pelagic longline	1	None documented in the most recent five years of data
HI kaka line	15	None documented
HI vertical line	3	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
<u>TRAWL FISHERIES:</u>		
AK Bering Sea, Aleutian Islands Atka mackerel trawl	13	Ribbon seal, AK Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands Pacific cod trawl	72	Ringed seal, AK Steller sea lion, Western U.S.
AK Gulf of Alaska flatfish trawl	36	Northern elephant seal, North Pacific
AK Gulf of Alaska Pacific cod trawl	55	Steller sea lion, Western U.S.
AK Gulf of Alaska pollock trawl	67	Dall's porpoise, AK Fin whale, Northeast Pacific Northern elephant seal, North Pacific Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish trawl	43	None documented
AK food/bait herring trawl	4	None documented
AK miscellaneous finfish otter / beam trawl	282	None documented
AK shrimp otter trawl and beam trawl (statewide and Cook Inlet)	38	None documented
AK state-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeast AK groundfish trawl	2	None documented
CA halibut bottom trawl	47	California sea lion, U.S. Harbor porpoise, unknown Harbor seal, unknown Northern elephant seal, CA breeding Steller sea lion, unknown
CA sea cucumber trawl	16	None documented
WA/OR/CA shrimp trawl	300	None documented
WA/OR/CA groundfish trawl	160-180	California sea lion, U.S. Dall's porpoise, CA/OR/WA Harbor seal, OR/WA coast Northern fur seal, Eastern Pacific Pacific white-sided dolphin, CA/OR/WA Steller sea lion, Eastern U.S.

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
<u>POT, RING NET, AND TRAP FISHERIES:</u>		
AK statewide miscellaneous finfish pot	4	None documented
AK Aleutian Islands sablefish pot	4	None documented
AK Bering Sea, Aleutian Islands Pacific cod pot	59	None documented
AK Bering Sea, Aleutian Islands crab pot	540	Gray whale, Eastern North Pacific
AK Bering Sea sablefish pot	2	None documented
AK Gulf of Alaska crab pot	381	None documented
AK Gulf of Alaska Pacific cod pot	128	Harbor seal, GOA
AK Southeast Alaska crab pot	41	Humpback whale, Central North Pacific (Southeast AK)
AK Southeast Alaska shrimp pot	269	Humpback whale, Central North Pacific (Southeast AK)
AK shrimp pot, except Southeast	236	None documented
AK octopus/squid pot	26	None documented
AK snail pot	1	None documented
CA/OR coonstripe shrimp pot	36	Gray whale, Eastern North Pacific Harbor seal, CA
CA rock crab pot	124	Gray whale, Eastern North Pacific Harbor seal, CA
CA spiny lobster	194	Bottlenose dolphin, CA/OR/WA offshore Humpback whale, CA/OR/WA Gray whale, Eastern North Pacific
WA/OR/CA hagfish pot	54	None documented
WA/OR shrimp pot/trap	254	None documented
WA Puget Sound Dungeness crab pot/trap	249	None documented
HI crab trap	5	Humpback whale, Central North Pacific

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
HI fish trap	9	None documented
HI lobster trap	<3	None documented in recent years
HI shrimp trap	10	None documented
HI crab net	4	None documented
HI Kona crab loop net	33	None documented
<u>HOOK-AND-LINE, HANDLINE, AND JIG FISHERIES:</u>		
AK North Pacific halibut handline/hand troll and mechanical jig	180	None documented
AK octopus/squid handline	7	None documented
American Samoa bottomfish	17	None documented
Commonwealth of the Northern Mariana Islands bottomfish	28	None documented
Guam bottomfish	>300	None documented
HI aku boat, pole, and line	<3	None documented
HI bottomfish handline	578	None documented in recent years
HI inshore handline	357	None documented
HI pelagic handline	534	None documented
WA groundfish, bottomfish jig	679	None documented
Western Pacific squid jig	0	None documented
<u>HARPOON FISHERIES:</u>		
CA swordfish harpoon	6	None documented
<u>POUND NET/WEIR FISHERIES:</u>		
AK herring spawn on kelp pound net	409	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Southeast herring roe/food/bait pound net	2	None documented
HI bullpen trap	3	None documented
<u>BAIT PENS:</u>		
WA/OR/CA bait pens	13	California sea lion, U.S.
<u>DREDGE FISHERIES:</u>		
Alaska scallop dredge	108 (5 AK)	None documented
<u>DIVE, HAND/MECHANICAL COLLECTION FISHERIES:</u>		
AK abalone	0	None documented
AK clam	130	None documented
AK Dungeness crab	2	None documented
AK herring spawn on kelp	339	None documented
AK urchin and other fish/shellfish	398	None documented
HI black coral diving	<3	None documented
HI fish pond	5	None documented
HI handpick	46	None documented
HI lobster diving	19	None documented
HI spearfishing	163	None documented
WA/CA kelp	4	None documented
WA/OR bait shrimp, clam hand, dive, or mechanical collection	201	None documented
OR/CA sea urchin, sea cucumber hand, dive, or mechanical collection	10	None documented
<u>COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:</u>		

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK/WA/OR/CA commercial passenger fishing vessel	>7,000 (2,702 AK)	Killer whale, unknown Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
<u>LIVE FINFISH/SHELLFISH FISHERIES:</u>		
CA nearshore finfish live trap/hook-and-line	93	None documented
HI aquarium collecting	90	None documented

List of Abbreviations and Symbols Used in Table 1: AI - Aleutian Islands; AK - Alaska; BS - Bering Sea; CA - California; ENP - Eastern North Pacific; GOA - Gulf of Alaska; HI - Hawaii; MHI - Main Hawaiian Islands; OR - Oregon; WA - Washington; ¹ Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR; ² Fishery classified by analogy; * Fishery has an associated high seas component listed in Table 3; ^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of species and/or stocks killed or injured in high seas component of the fishery, minus species and/or stocks that have geographic ranges exclusively on the high seas. The species and/or stocks are found, and the fishery remains the same, on both sides of the EEZ boundary. Therefore, the EEZ components of these fisheries pose the same risk to marine mammals as the components operating on the high seas.

Table 2 - List of Fisheries -- Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
<u>GILLNET FISHERIES:</u>		
Mid-Atlantic gillnet	3,950	Bottlenose dolphin, Northern Migratory coastal ¹ Bottlenose dolphin, Southern Migratory coastal ¹ Bottlenose dolphin, Northern NC estuarine system ¹ Bottlenose dolphin, Southern NC estuarine system ¹ Bottlenose dolphin, WNA offshore Common dolphin, WNA Gray seal, WNA Harbor porpoise, GME/BF Harbor seal, WNA Harp seal, WNA Humpback whale, Gulf of Maine Minke whale, Canadian east coast Risso's dolphin, WNA White-sided dolphin, WNA
Northeast sink gillnet	4,332	Bottlenose dolphin, WNA offshore Common dolphin, WNA Fin whale, WNA Gray seal, WNA Harbor porpoise, GME/BF ¹ Harbor seal, WNA Harp seal, WNA Hooded seal, WNA Humpback whale, Gulf of Maine Long-finned pilot whale, WNA Minke whale, Canadian east coast North Atlantic right whale, WNA Risso's dolphin, WNA White-sided dolphin, WNA
<u>TRAP/POT FISHERIES:</u>		
Northeast/Mid-Atlantic American lobster trap/pot	10,163	Humpback whale, Gulf of Maine Minke whale, Canadian east coast North Atlantic right whale, WNA ¹
<u>LONGLINE FISHERIES:</u>		

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline*	420	Atlantic spotted dolphin, GMX continental and oceanic Bottlenose dolphin, Northern GMX oceanic Bottlenose dolphin, WNA offshore Common dolphin, WNA Cuvier's beaked whale, WNA False killer whale, WNA Harbor porpoise, GME, BF Kogia <u>spp.</u> (Pygmy or dwarf sperm whale), WNA Long-finned pilot whale, WNA ¹ Mesoplodon beaked whale, WNA Minke whale, Canadian East coast Panropical spotted dolphin, Northern GMX Pygmy sperm whale, GMX Risso's dolphin, Northern GMX Risso's dolphin, WNA Short-finned pilot whale, Northern GMX Short-finned pilot whale, WNA ¹
CATEGORY II		
<u>GILLNET FISHERIES:</u>		
Chesapeake Bay inshore gillnet ²	248	Bottlenose dolphin, unknown (Northern migratory coastal or Southern migratory coastal)
Gulf of Mexico gillnet ²	248	Bottlenose dolphin, GMX bay, sound, and estuarine Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Western GMX coastal
NC inshore gillnet	2,850	Bottlenose dolphin, Northern NC estuarine system ¹ Bottlenose dolphin, Southern NC estuarine system ¹
Northeast anchored float gillnet ²	852	Harbor seal, WNA Humpback whale, Gulf of Maine White-sided dolphin, WNA
Northeast drift gillnet ²	1,036	None documented
Southeast Atlantic gillnet ²	273	Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Northern FL coastal Bottlenose dolphin, SC/GA coastal Bottlenose dolphin, Southern migratory coastal
Southeastern U.S. Atlantic shark gillnet	30	Bottlenose dolphin, unknown (Central FL, Northern FL, SC/GA coastal, or Southern migratory coastal) North Atlantic right whale, WNA

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
<u>TRAWL FISHERIES</u>		
Mid-Atlantic mid-water trawl (including pair trawl)	382	Gray seal, WNA Harbor seal, WNA White-sided dolphin, WNA ¹
Mid-Atlantic bottom trawl	785	Bottlenose dolphin, WNA offshore Common dolphin, WNA ¹ Gray seal, WNA Harbor seal, WNA Risso's dolphin, WNA ¹
Northeast mid-water trawl (including pair trawl)	1,087	Common dolphin, WNA Gray seal, WNA Harbor seal, WNA Long-finned pilot whale, WNA ¹ Minke whale, Canadian East Coast
Northeast bottom trawl	2,238	Bottlenose dolphin, WNA offshore Common dolphin, WNA Gray seal, WNA Harbor porpoise, GME/BF Harbor seal, WNA Harp seal, WNA Long-finned pilot whale, WNA Risso's dolphin, WNA White-sided dolphin, WNA ¹
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	4,950	Atlantic spotted dolphin, GMX continental and oceanic Bottlenose dolphin, Charleston estuarine system Bottlenose dolphin, Eastern GMX coastal ¹ Bottlenose dolphin, GMX bay, sound, estuarine ¹ Bottlenose dolphin, GMX continental shelf Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, SC/GA coastal ¹ Bottlenose dolphin, Southern migratory coastal Bottlenose dolphin, Western GMX coastal ¹ West Indian manatee, Florida
<u>TRAP/POT FISHERIES:</u>		
Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot ²	1,384	Bottlenose dolphin, Biscayne Bay estuarine Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, FL Bay Bottlenose dolphin, GMX bay, sound, estuarine (FL

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		west coast portion) Bottlenose dolphin, Indian River Lagoon estuarine system Bottlenose dolphin, Jacksonville estuarine system Bottlenose dolphin, Northern GMX coastal
Atlantic mixed species trap/pot ²	3,436	Fin whale, WNA Humpback whale, Gulf of Maine
Atlantic blue crab trap/pot	7,714	Bottlenose dolphin, Central FL coastal ¹ Bottlenose dolphin, Central GA estuarine system Bottlenose dolphin, Charleston estuarine system ¹ Bottlenose dolphin, Indian River Lagoon estuarine system ¹ Bottlenose dolphin, Jacksonville estuarine system ¹ Bottlenose dolphin, Northern FL coastal ¹ Bottlenose dolphin, Northern GA/Southern SC estuarine system ¹ Bottlenose dolphin, Northern Migratory coastal ¹ Bottlenose dolphin, Northern NC estuarine system ¹ Bottlenose dolphin, Northern SC estuarine system Bottlenose dolphin, SC/GA coastal ¹ Bottlenose dolphin, Southern GA estuarine system ¹ Bottlenose dolphin, Southern Migratory coastal ¹ Bottlenose dolphin, Southern NC estuarine system ¹ West Indian manatee, FL ¹
<u>PURSE SEINE FISHERIES:</u>		
Gulf of Mexico menhaden purse seine	40-42	Bottlenose dolphin, GMX bay, sound, estuarine Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau Bottlenose dolphin, Northern GMX coastal ¹ Bottlenose dolphin, Western GMX coastal ¹
Mid-Atlantic menhaden purse seine ²	19	Bottlenose dolphin, Northern Migratory coastal Bottlenose dolphin, Southern Migratory coastal
<u>HAUL/BEACH SEINE FISHERIES:</u>		
Mid-Atlantic haul/beach seine	359	Bottlenose dolphin, Northern Migratory coastal ¹ Bottlenose dolphin, Northern NC estuarine system ¹ Bottlenose dolphin, Southern Migratory coastal ¹
NC long haul seine	30	Bottlenose dolphin, Northern NC estuarine system ¹ Bottlenose dolphin, Southern NC estuarine system

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
<u>STOP NET FISHERIES:</u>		
NC roe mullet stop net	1	Bottlenose dolphin, Northern NC estuarine system Bottlenose dolphin, unknown (Southern migratory coastal or Southern NC estuarine system)
<u>POUND NET FISHERIES:</u>		
VA pound net	26	Bottlenose dolphin, Northern migratory coastal Bottlenose dolphin, Northern NC estuarine system Bottlenose dolphin, Southern Migratory coastal ¹
CATEGORY III		
<u>GILLNET FISHERIES:</u>		
Caribbean gillnet	>991	None documented in the most recent five years of data
DE River inshore gillnet	unknown	None documented in the most recent five years of data
Long Island Sound inshore gillnet	unknown	None documented in the most recent five years of data
RI, southern MA (to Monomoy Island), and NY Bight (Raritan and Lower NY Bays) inshore gillnet	unknown	None documented in the most recent five years of data
Southeast Atlantic inshore gillnet	unknown	Bottlenose dolphin, Northern SC estuarine system
<u>TRAWL FISHERIES:</u>		
Atlantic shellfish bottom trawl	>58	None documented
Gulf of Mexico butterfish trawl	2	Bottlenose dolphin, Northern GMX oceanic Bottlenose dolphin, Northern GMX continental shelf
Gulf of Mexico mixed species trawl	20	None documented
GA cannonball jellyfish trawl	1	Bottlenose dolphin, SC/GA coastal
<u>MARINE AQUACULTURE FISHERIES:</u>		
Finfish aquaculture	48	Harbor seal, WNA

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Shellfish aquaculture	unknown	None documented
<u>PURSE SEINE FISHERIES:</u>		
Gulf of Maine Atlantic herring purse seine	>7	Harbor seal, WNA Gray seal, WNA
Gulf of Maine menhaden purse seine	>2	None documented
FL West Coast sardine purse seine	10	Bottlenose dolphin, Eastern GMX coastal
U.S. Atlantic tuna purse seine *	5	Long-finned pilot whale, WNA Short-finned pilot whale, WNA
<u>LOGLINE/HOOK-AND-LINE FISHERIES:</u>		
Northeast/Mid-Atlantic bottom longline/hook-and-line	>1,207	None documented
Gulf of Maine, U.S. Mid-Atlantic tuna, shark swordfish hook-and-line/harpoon	428	Bottlenose dolphin, WNA offshore Humpback whale, Gulf of Maine
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean snapper-grouper and other reef fish bottom longline/hook-and-line	>5,000	Bottlenose dolphin, GMX continental shelf
Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line	<125	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, Northern GMX continental shelf
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and- line/harpoon	1,446	None documented
U.S. Atlantic, Gulf of Mexico trotline	unknown	None documented
<u>TRAP/POT FISHERIES</u>		
Caribbean mixed species trap/pot	>501	None documented
Caribbean spiny lobster trap/pot	>197	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
FL spiny lobster trap/pot	1,268	Bottlenose dolphin, Biscayne Bay estuarine Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, FL Bay estuarine Bottlenose dolphin, FL Keys
Gulf of Mexico blue crab trap/pot	4,113	Bottlenose dolphin, Barataria Bay Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX bay, sound, estuarine Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Western GMX coastal West Indian manatee, FL
Gulf of Mexico mixed species trap/pot	unknown	None documented
Southeastern U.S. Atlantic, Gulf of Mexico golden crab trap/pot	10	None documented
U.S. Mid-Atlantic eel trap/pot	unknown	None documented
<u>STOP SEINE/WEIR/POUND NET/FLOATING TRAP/FYKE NET FISHERIES:</u>		
Gulf of Maine herring and Atlantic mackerel stop seine/weir	>1	Harbor porpoise, GME/BF Harbor seal, WNA Minke whale, Canadian east coast Atlantic white-sided dolphin, WNA
U.S. Mid-Atlantic crab stop seine/weir	2,600	None documented
U.S. Mid-Atlantic mixed species stop seine/weir/pound net (except the NC roe mullet stop net)	unknown	Bottlenose dolphin, Northern NC estuarine system
RI floating trap	9	None documented
Northeast and Mid-Atlantic fyke net	unknown	None documented
<u>DREDGE FISHERIES:</u>		
Gulf of Maine sea urchin dredge	unknown	None documented
Gulf of Maine mussel dredge	unknown	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge	>403	None documented
Mid-Atlantic blue crab dredge	unknown	None documented
Mid-Atlantic soft-shell clam dredge	unknown	None documented
Mid-Atlantic whelk dredge	unknown	None documented
U.S. Mid-Atlantic/Gulf of Mexico oyster dredge	7,000	None documented
New England and Mid-Atlantic offshore surf clam/quahog dredge	unknown	None documented
<u>HAUL/BEACH SEINE FISHERIES:</u>		
Caribbean haul/beach seine	15	None documented in the most recent five years of data
Gulf of Mexico haul/beach seine	unknown	None documented
Southeastern U.S. Atlantic haul/beach seine	25	None documented
<u>DIVE, HAND/MECHANICAL COLLECTION FISHERIES:</u>		
Atlantic Ocean, Gulf of Mexico, Caribbean shellfish dive, hand/mechanical collection	20,000	None documented
Gulf of Maine urchin dive, hand/mechanical collection	unknown	None documented
Gulf of Mexico, Southeast Atlantic, Mid-Atlantic, and Caribbean cast net	unknown	None documented
<u>COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:</u>		
Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel	4,000	Bottlenose dolphin, Biscayne Bay estuarine Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Choctawhatchee Bay Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, FL Bay Bottlenose dolphin, GMX bay, sound, estuarine Bottlenose dolphin, Indian River Lagoon estuarine

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		system Bottlenose dolphin, Jacksonville estuarine system Bottlenose dolphin, Northern FL coastal Bottlenose dolphin, Northern GA/Southern SC estuarine Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Northern migratory coastal Bottlenose dolphin, Northern NC estuarine Bottlenose dolphin, Southern migratory coastal Bottlenose dolphin, Southern NC estuarine system Bottlenose dolphin, Southern SC/GA coastal Bottlenose dolphin, Western GMX coastal

List of Abbreviations and Symbols Used in Table 2: DE - Delaware; FL - Florida; GA - Georgia; GME/BF - Gulf of Maine/Bay of Fundy; GMX - Gulf of Mexico; MA - Massachusetts; NC - North Carolina; NY - New York; RI - Rhode Island; SC- South Carolina; VA - Virginia; WNA - Western North Atlantic; ¹ Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR; ² Fishery classified by analogy; * Fishery has an associated high seas component listed in Table 3.

Table 3 - List of Fisheries -- Commercial Fisheries on the High Seas

Fishery Description	# of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Category I		
<u>LONGLINE FISHERIES:</u>		
Atlantic Highly Migratory Species *	86	Atlantic spotted dolphin, WNA Bottlenose dolphin, Northern GMX oceanic Bottlenose dolphin, WNA offshore Common dolphin, WNA Cuvier's beaked whale, WNA False killer whale, WNA Killer whale, GMX oceanic Kogia <u>spp.</u> whale (Pygmy or dwarf sperm whale), WNA Long-finned pilot whale, WNA Mesoplodon beaked whale, WNA Minke whale, Canadian East coast Pantropical spotted dolphin, WNA Risso's dolphin, GMX Risso's dolphin, WNA Short-finned pilot whale, WNA
Western Pacific Pelagic (HI Deep-set component) * ^	139	Bottlenose dolphin, HI Pelagic False killer whale, HI Pelagic Pygmy killer whale, HI Risso's dolphin, HI Short-finned pilot whale, HI Sperm whale, HI Striped dolphin, HI
<u>DRIFT GILLNET FISHERIES:</u>		
Pacific Highly Migratory Species ^	5	Long-beaked common dolphin, CA Humpback whale, CA/OR/WA Northern right-whale dolphin, CA/OR/WA Pacific white-sided dolphin, CA/OR/WA Risso's dolphin, CA/OR/WA Short-beaked common dolphin, CA/OR/WA
Category II		
<u>DRIFT GILLNET FISHERIES:</u>		
Atlantic Highly Migratory Species	0	Undetermined

Fishery Description	# of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
<u>TRAWL FISHERIES:</u>		
Atlantic Highly Migratory Species **	1	Undetermined
CCAMLR	0	Antarctic fur seal
<u>PURSE SEINE FISHERIES:</u>		
South Pacific Tuna Fisheries	38	Undetermined
Western Pacific Pelagic	3	Undetermined
<u>LONGLINE FISHERIES:</u>		
CCAMLR	0	None documented
South Pacific Albacore Troll	10	Undetermined
South Pacific Tuna Fisheries **	2	Undetermined
Western Pacific Pelagic (HI Shallow-set component) * ^	20	Blainville's beaked whale, HI Bottlenose dolphin, HI Pelagic False killer whale, HI Pelagic Humpback whale, Central North Pacific Northern elephant seal, CA breeding Risso's dolphin, HI Rough-toothed dolphin, HI Short-beaked common dolphin, CA/OR/WA Short-finned pilot whale, HI Striped dolphin, HI
<u>HANDLINE/POLE AND LINE FISHERIES:</u>		
Atlantic Highly Migratory Species	3	Undetermined
Pacific Highly Migratory Species	46	Undetermined
South Pacific Albacore Troll	7	Undetermined
Western Pacific Pelagic	2	Undetermined
<u>TROLL FISHERIES:</u>		
Atlantic Highly Migratory Species	2	Undetermined
South Pacific Albacore Troll	30	Undetermined
South Pacific Tuna Fisheries **	4	Undetermined

Fishery Description	# of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Western Pacific Pelagic	17	Undetermined
Category III		
<u>LONGLINE FISHERIES:</u>		
Northwest Atlantic Bottom Longline	1	None documented
Pacific Highly Migratory Species *	114	None documented in the most recent 5 years of data
<u>PURSE SEINE FISHERIES</u>		
Pacific Highly Migratory Species * ^	6	None documented
<u>TRAWL FISHERIES:</u>		
Northwest Atlantic	1	None documented
<u>TROLL FISHERIES:</u>		
Pacific Highly Migratory Species *	187	None documented

List of Terms, Abbreviations, and Symbols Used in Table 3:

CA - California; GMX- Gulf of Mexico; HI - Hawaii; OR - Oregon; WA - Washington; WNA - Western North Atlantic.

* Fishery is an extension/component of an existing fishery operating within U.S. waters listed in Table 1 or 2. The number of permits listed in Table 3 represents only the number of permits for the high seas component of the fishery.

** These gear types are not authorized under the Pacific HMS FMP (2004), the Atlantic HMS FMP (2006), or without a South Pacific Tuna Treaty license (in the case of the South Pacific Tuna fisheries). Because HSFCA permits are valid for five years, permits obtained in past years exist in the HSFCA permit database for gear types that are now unauthorized. Therefore, while HSFCA permits exist for these gear types, it does not represent effort. In order to land fish species, fishers must be using an authorized gear type. Once these permits for unauthorized gear types expire, the permit-holder will be required to obtain a permit for an authorized gear type.

^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of marine mammal species and/or stocks killed or injured in U.S. waters component of the fishery, minus species and/or stocks that have geographic ranges exclusively in coastal waters, because the marine mammal species and/or stocks are also found on the high seas and the fishery remains the same on both sides of the EEZ boundary. Therefore, the high seas components of these fisheries pose the same risk to marine mammals as the components of these fisheries operating in U.S. waters.

Table 4 - Fisheries Affected by Take Reduction Teams and Plans

Take Reduction Plans	Affected Fisheries
Atlantic Large Whale Take Reduction Plan (ALWTRP) – 50 CFR 229.32	<u>Category I</u> Mid-Atlantic gillnet Northeast/Mid-Atlantic American lobster trap/pot Northeast sink gillnet <u>Category II</u> Atlantic blue crab trap/pot Atlantic mixed species trap/pot Northeast anchored float gillnet Northeast drift gillnet Southeast Atlantic gillnet Southeastern U.S. Atlantic shark gillnet* Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot ^
Bottlenose Dolphin Take Reduction Plan (BDTRP) – 50 CFR 229.35	<u>Category I</u> Mid-Atlantic gillnet <u>Category II</u> Atlantic blue crab trap/pot Chesapeake Bay inshore gillnet fishery Mid-Atlantic haul/beach seine Mid-Atlantic menhaden purse seine NC inshore gillnet NC long haul seine NC roe mullet stop net Southeast Atlantic gillnet Southeastern U.S. Atlantic shark gillnet Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl^ Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot^ VA pound net
False Killer Whale Take Reduction Plan (FKWTRP) – 50 CFR 229.37	<u>Category I</u> HI deep-set longline <u>Category II</u> HI shallow-set longline
Harbor Porpoise Take Reduction Plan (HPTRP) – 50 CFR 229.33 (New England) and 229.34 (Mid-Atlantic)	<u>Category I</u> Mid-Atlantic gillnet Northeast sink gillnet
Pelagic Longline Take Reduction Plan (PLTRP) – 50 CFR 229.36	<u>Category I</u> Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline
Pacific Offshore Cetacean Take Reduction Plan (POCTRP) – 50 CFR 229.31	<u>Category I</u> CA thresher shark/swordfish drift gillnet (≥14 in mesh)

Take Reduction Plans	Affected Fisheries
Atlantic Trawl Gear Take Reduction Team (ATGTRT)	<u>Category II</u> Mid-Atlantic bottom trawl Mid-Atlantic mid-water trawl (including pair trawl) Northeast bottom trawl Northeast mid-water trawl (including pair trawl)

* Only applicable to the portion of the fishery operating in U.S. waters; ^ Only applicable to the portion of the fishery operating in the Atlantic Ocean.

Classification

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule would not have a significant economic impact on a substantial number of small entities. On June 12, 2014, the SBA issued a final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33647). The rule increased the size standard for Finfish Fishing from \$19.0 to \$20.5 million, Shellfish Fishing from \$5.0 to \$5.5 million, and Other Marine Fishing from \$7.0 to \$7.5 million. NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards, all entities subject to this action were considered small entities; thus, they all would continue to be considered small under the new standards.

Under existing regulations, all individuals participating in Category I or II fisheries must register under the MMPA and obtain an Authorization Certificate. The Authorization Certificate authorizes the taking of non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Additionally, individuals may be subject to a TRP and requested to carry an observer. NMFS has estimated that up to approximately 58,500 fishing vessels, most with annual revenues below the SBA's small entity thresholds, may operate in Category I or II fisheries. As fishing vessels operating in Category I or II fisheries, they are required to register with NMFS. Forty-five fishing vessels are new to Category II as a result of this proposed rule.

The MMPA registration process is integrated with existing state and Federal licensing, permitting, and registration programs. Therefore, individuals who have a state or Federal fishing permit or landing license, or who are authorized through another related state or Federal fishery registration program, are currently not required to register separately under the MMPA or pay the \$25 registration fee. Therefore, this proposed rule would not impose any direct costs on small entities. Record keeping and reporting costs associated with this rulemaking are minimal and would not have a significant impact on a substantial number of small entities.

If a vessel is requested to carry an observer, vessels will not incur any direct economic costs associated with carrying that observer. In addition, section 118 of the MMPA states that an observer is not required to be placed on a vessel if the facilities for quartering an observer or performing observer functions are inadequate or unsafe, thereby exempting vessels too small to accommodate an observer from this requirement. As a result of this certification, an initial regulatory flexibility analysis is not required and has not been prepared. In the event that reclassification of a fishery to Category I or II results in a TRP, economic analyses of the effects of that TRP would be summarized in subsequent rulemaking actions.

This proposed rule contains collection-of-information (COI) requirements subject to the Paperwork Reduction Act. The COI for the registration of individuals under the MMPA has been approved by the Office of Management and Budget (OMB) under OMB control number 0648-0293 (0.15 hours per report for new registrants). The requirement for reporting marine mammal

mortalities or injuries has been approved by OMB under OMB control number 0648-0292 (0.15 hours per report). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the COI. Send comments regarding these reporting burden estimates or any other aspect of the COI, including suggestions for reducing burden, to NMFS and OMB (see **ADDRESSES** and **SUPPLEMENTARY INFORMATION**).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a COI subject to the requirements of the Paperwork Reduction Act unless that COI displays a currently valid OMB control number.

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866.

An environmental assessment (EA) was prepared under the NEPA in 1995 and 2005. The 1995 EA examined the effects of regulations implementing section 118 of the 1994 Amendments of the MMPA on the affected environment. The 2005 EA analyzed the environmental impacts of continuing the existing scheme (as described in the 1995 EA) for classifying fisheries on the LOF. The 1995 EA and the 2005 EA concluded that implementation of MMPA section 118 regulations would not have a significant impact on the human environment. NMFS reviewed the 2005 EA in 2009. NMFS concluded that because there were no changes to the process used to develop the LOF and implement section 118 of the MMPA, there was no need to update the

2005 EA. This rule would not change NMFS's current process for classifying fisheries on the LOF; therefore, this rule is not expected to change the analysis or conclusion of the 2005 EA and Finding of No Significant Impact (FONSI), and no update is needed. If NMFS takes a management action, for example, through the development of a TRP, NMFS would first prepare an environmental document, as required under NEPA, specific to that action.

This proposed rule would not affect species listed as threatened or endangered under the ESA or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this rule will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would consult under ESA section 7 on that action.

This proposed rule would have no adverse impacts on marine mammals and may have a positive impact on marine mammals by improving knowledge of marine mammals and the fisheries interacting with marine mammals through information collected from observer programs, stranding and sighting data, or take reduction teams.

This proposed rule would not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

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